IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WA.No. 1957 of 2007()
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AGAINST THE JUDGEMENT IN WPC.13169/2007 Dated 18/07/2007
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APPELLANT: PETITIONER:
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K.G. SATHISH BABU,
LEKSHMI NIVAS, PERUMALA (P.O), MANNAR.

BY ADV. SRI.NIDHI BALACHANDRAN

RESPONDENT: RESPONDENT:
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VIJAYA BANK,
THIRUVALLA BRANCH, REPRESENTED BY IT'S
SENIOR MANAGER.

BY SRI. K.ANAND, STANDING COUNSEL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**H.L.DATTU, C.J. & K.T.SANKARAN, J.**

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W.A.No.1957 of 2007

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Dated this the 8th day of August, 2007.

**J U D G M E N T**

**H.L.Dattu, C.J.**

The petitioner in W.P.(C) No.13169 of 2007 calls in question, the proceedings initiated by the respondent bank by issuing notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcements of Security Interest Act, 2002.

(2). This court, taking a very sympathetic view of the matter had directed the petitioner to pay a sum of Rs.2.5 lakhs within two months.

(3). As per the directions so issued by this court, the petitioner paid Rs.1 lakh and had issued a cheque for Rs.1.5 lakhs. The said cheque was a rubber cheque, in the sense that it was bounced and the respondent bank was not in a position to realise the amounts due under the cheque.

(4). This court being of the opinion that if for any reason the petitioner is aggrieved by the notice issued under Sec.13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcements of Security Interest Act, 2002, he has got appropriate remedy before the Debts Recovery Tribunal and accordingly has rejected the writ petition.

(5). In the normal course, this court is not expected to interfere with the notices issued by the banks in exercise of their power under Section 13 (2) of the Securitisation and Reconstruction of Financial Assets and Enforcements of Security Interest Act, 2002. However, the court taking a very lenient view in the matter had permitted the petitioner to pay certain amounts to the bank within a particular time. The

petitioner has not even complied with the orders and directions issued by the court. The discretionary jurisdiction of this court cannot be extended to a litigant who does not comply with the orders and directions issued by this court. For all these reasons, in our opinion, the learned Single Judge was justified in rejecting the writ petition. We do not see any infirmity or error whatsoever in the orders passed by the learned Judge which would call for our interference in the writ appeal. Therefore, the writ appeal is rejected.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

MS/DK.